

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RONALD J. ALLISON,  
Plaintiff,  
v.  
MIKE VANLUVEN,  
Defendant.

Case No. 2:22-cv-00994-RFB-NJK  
**REPORT AND RECOMMENDATION**

12 On June 23, 2022, Plaintiff filed a motion to initiate this case without paying the required  
13 fee or filing an application to proceed *in forma pauperis*. Docket No. 1. On June 24, 2022, the  
14 Court ordered Plaintiff to pay the filing fee or file an application to proceed *in forma pauperis* by  
15 July 25, 2022. Docket No. 2. The Court warned that “[f]ailure to comply will result in a  
16 recommendation to the District Judge that this case be dismissed.” *Id.* at 1. Notwithstanding that  
17 warning, Plaintiff did not comply.

18 This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to  
19 proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Having refused  
20 to do either in this case, Plaintiff’s complaint is subject to dismissal. *E.g., Desai v. Biden*, 2021  
21 WL 38169, at \*1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

22 Moreover, Plaintiff’s refusal to comply with the Court’s order is an abusive litigation  
23 practice that has interfered with the Court’s ability to hear this case, delayed litigation, disrupted  
24 the Court’s timely management of its docket, wasted judicial resources, and threatened the  
25 integrity of the Court’s orders and the orderly administration of justice. Sanctions less drastic than  
26 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court  
27 notwithstanding the warning that case-dispositive sanctions may be imposed.  
28

1 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
2 prejudice.

3 Dated: August 1, 2022

4  
5   
Nancy J. Koppe  
United States Magistrate Judge

6  
7 **NOTICE**

8 This report and recommendation is submitted to the United States District Judge assigned  
9 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
10 recommendation must file a written objection supported by points and authorities within fourteen  
11 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
12 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
13 F.2d 1153, 1157 (9th Cir. 1991).